

REMARKS/ARGUMENTS

Claims 1-28 are pending in the application. In this Amendment, claims 3-18 and 25-27 are amended and new claims 29 and 30 are added. Both the claim amendments and the new claims are completely supported by the application as originally filed and thus they do not raise any issue of new matter. Claims 19-24 are canceled without prejudice or disclaimer of applicant's right to pursue patent protection for the subject matter thereof in this or a subsequently filed application. Upon entry of this Amendment, claims 1-18 and 25-30 will be pending in the application.

The specification, which is based upon a translation from the Spanish language, has been amended to describe the invention using a more appropriate idiomatic format. For example, the term "nutritional value" has been changed to the more appropriate, "food grade". That is, "food grade" phosphoric acid is used in the invention because this material has a high purity and is not toxic to the health of humans or animals. Furthermore, the phrase, "mixed fibers (mezclilla)" has been more appropriately rendered as "denim" which is a more proper translation of the above term. Applicant submits that these clarifications are supported by the original disclosure and thus they raise no issue of new matter.

Entry of the amendments to the claims and the specification into the file of the present application is therefore respectfully solicited.

Objections to the Abstract

The Abstract of the disclosure is objected to in ¶1 on p. 2 of the Office Action. Applicant has, therefore, amended the Abstract in the manner suggested by the Examiner, which amendments are believed to overcome the Examiner's grounds for objection. The Examiner is, therefore, respectfully requested to reconsider and withdraw his objection to the Abstract.

Objections to the Specification

The Examiner objects to the specification in ¶2 on pps. 2-3 of the Office Action. In response, the specification has been amended at p. 1 to delete the term "HYPERLINK" therefrom. Applicant has also amended the specification, as noted above, to clarify the term "nutritional value" as referring to "food grade" phosphoric acid.

The amendments noted above are believed to overcome the Examiner's grounds for objection to the specification. The Examiner is, therefore, respectfully requested to reconsider and withdraw his objections.

Objections to the Claims

Claims 6, 13 and 20 are objected to in ¶3 on p. 3 of the Office Action. Applicant has, therefore, amended those claims as suggested by the Examiner and these amendments are believed to overcome the Examiner's grounds for objection. The Examiner is, therefore, respectfully requested to reconsider and withdraw his objections to the claims.

Claim Rejections Under 35 U.S.C. §112

The Examiner has rejected several claims under 35 U.S.C. §112, second paragraph, as being allegedly indefinite for the reasons set forth in ¶4 on pps. 3-5 of the Office Action.

In response to these rejections, applicant has amended the subject claims in a manner which is believed to overcome the Examiner's grounds for rejection. The Examiner is, therefore, respectfully requested to reconsider and withdraw the claim rejections under §112.

35 U.S.C. §101 Double Patenting Rejection

Claims 19-24 are rejected under 35 U.S.C. §101 as being a substantial duplicate of claims 12-17. In response to this ground for rejection, applicant has canceled claims 19-24 without prejudice or disclaimer of applicant's right to pursue patent protection for the subject matter of these claims in this or a subsequently filed application. Additionally, pursuant to this cancellation, the dependency of claim 25 was changed from claim 24 to claim 17. No new matter is added due to these changes to the application.

Claim Rejections Under 35 U.S.C. §102

Claims 1, 5, 6, 7, 9, 26 and 27 are rejected under 35 U.S.C. §102(b) as anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over Scialla (WO 99/15615) for the reasons set forth in ¶8 on pps. 6-7 of the Office Action. This rejection is respectfully traversed for the reasons which follow.

The Scialla reference teaches that HEDP (hydroxyethane diphosphonic acid) must be included as a component of the composition(s) described therein, wherein the subject material is neither taught nor even suggested for inclusion in the presently claimed bleaching composition. Moreover, the Scialla reference does not teach the combination of water with a phosphate compound and/or phosphoric acid to form a bleaching composition as recited in applicant's claims. That is, the reference does not teach to include phosphoric acid within the compositions disclosed therein, in contrast to the invention recited in applicant's claims.

In addition, while the reference does mention a “buffering component” , it contains no disclosure which would suggest to one skilled in this art to adjust the pH value of the composition to pH 11, which is an important (claimed) feature of applicant’s invention. Moreover, the proportion of HEDP used in Scialla would not be the same as that used in the present invention due to the fact that Scialla teaches a different combination of components to form the bleaching compositions taught therein than those taught for use in the presently claimed invention (as noted in the discussion above).

The Examiner is, therefore, respectfully requested to reconsider and withdraw the §§102/103 rejection based on the Scialla reference.

Further to the above, claims 1, 4, 5, 6, 7, 8, 9 and 26 are rejected under 35 U.S.C. §102(e) as anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over Todini (U.S. Published Patent Application No. 2003/0109404). This rejection is respectfully traversed.

In response to the Examiner’s rejection based on Todini, applicant submits that the composition(s) disclosed in the subject reference are not the same as those which are recited in the claims. The present invention involves the combination of water with a phosphate compound and/or a phosphoric acid. This is not what is disclosed by the reference. Furthermore, the reference contains no teaching or even a suggestion to adjust the pH of the composition to pH=11 as recited in the claims of the present application. In point of fact, the Todini reference does not consider the pH value of the materials at all in formulating the composition(s) described therein. Thus, the reference neither teaches nor even suggests the invention as presently claimed..

In light of the points raised above, the Examiner is respectfully requested to reconsider and withdraw the §§102/103 rejection based on the Todini reference.

Claim Rejections Under 35 U.S.C. §103

Claims 12, 13, 14, 16, 18, 19, 20, 21, 23, 25 and 28 are rejected under 35 U.S.C. §103(a) over the Scialla reference as applied to the claims involved in the rejection under §§102/103 based upon that reference as discussed above. This rejection is respectfully traversed.

Claims 19-24 have been cancelled from the application without prejudice or disclaimer, while the dependency of claim 25 was changed from claim 24 to claim 17 (which is not included in this rejection). Applicant submits, therefore that the above-described cancellations and amendments to the claims render moot the rejection of claims 19, 20, 21, 23 and 25.

Claims 12, 13, 14, 16, 18 and 28 thus remain rejected under §103 over Scialla. Both the Scialla reference and the features which distinguish the claimed invention over the subject reference

are discussed above in detail and those remarks are specifically incorporated herein. The Examiner is thus respectfully requested to reconsider and withdraw the §103 rejection of applicant's claims over Scialla.

Furthermore, claims 10-25, 27 and 28 are rejected under 35 U.S.C. §103(a) over the Todini reference as applied to the claims involved in the rejection under §§102/103 over that reference as discussed above. This rejection is respectfully traversed.

As noted above, claims 19-24 have been canceled from the application and thus the rejection of at least those claims is moot.

With regard to the remaining claims involved in the rejection, applicant submits that both the Todini reference and the features which distinguish the subject invention over the subject reference are discussed above in detail and those remarks are specifically incorporated herein. The Examiner is thus respectfully requested to reconsider and withdraw the §103 rejection of applicant's claims over Todini.

Further to the above, claims 4, 8, 10, 11, 15, 17, 22 and 24 are rejected in ¶12 on p. 10 of the Office Action over Scialla in view of Todini. This rejection is respectfully traversed. Both the Scialla and the Todini references are discussed above in detail, as are the features which distinguish the presently claimed invention over those references. Those remarks are specifically incorporated herein by reference.

Applicant submits that, as demonstrated by the arguments presented above (and incorporated herein by reference) not only is the invention distinguishable over the Scialla and Todini references standing alone, but that these references, taken in combination, also would not suggest the claimed invention. For example, neither document teaches or otherwise discloses the inclusion of phosphoric acid into the compositions described therein. Additionally, neither reference contains any teaching to maintain the composition at the claimed pH value, which is important in maintaining the stability of the bleaching material (see the specification at p. 9, lines 7-25 and p. 10, lines 1-11).

Furthermore, the application teaches, and the claims at issue encompass, a variety of bleaching formulations useful for, respectively, (a) household use and (b) industrial use, none of which are taught or suggested by the references, whether viewed alone or in combination. These formulations are as shown below:

For household use

a) 97% water, 2% disodium phosphate dodecahydrate, 1% phosphoric acid (at 75% food grade);

b) 96.7% water, 1% diphosphonic-1,1-hydroxiethane-1 acid, 2.3% phosphoric acid (at 75% food grade)

c) 96.5% water, 3.5% phosphoric acid (at 75% food grade)

For industrial use

d) 93.5% water, 2% diphosphonic-1,1-hydroxiethane-1 acid, 4.5% phosphoric acid (at 75% food grade)

e) 93% water, 7% phosphoric acid (at 75% food grade)

Still further, neither of the cited documents discloses or even suggests the specific advantages offered with the use of the compositions and methods of the present invention. For instance:

1) The stabilization of applicant's bleaching formulation due to its maintenance at a pH of 11 significantly enhances the storage life of products (i.e, compositions) produced according to the presently claimed invention, thus extending the product's bleaching power beyond that which is commonly encountered with prior art products of the type described in the cited art (see p. 11, lines 12-20);

2) The length of time the material to be bleached is exposed to the bleaching product is significantly shortened, in contrast to products produced according to the prior art (see, e.g., p. 12, lines 21-24 of the specification;

3) The bleaching effect is significantly improved over the prior art with the use of products prepared in accordance with the presently claimed invention. That is, no yellowish color was obtained with the use of applicant's claimed formulations;

4) In part due to the shorter time of exposure to the bleaching product according to the invention (see, e.g, no. 2 above) and also because the composition of the current invention has a reduced alkalinity (due to a reduction in the amount of sodium hydroxide and silicates) compared to 'prior art' products, the compositions as recited in applicant's claims do not irritate the user's eyes, nor damage the skin or nails, in domestic use (see p. 13, lines 4-10);

5) The use of products prepared according to the present invention having formulations as recited

in the claims leads to a reduction in fabric damage, in comparison to that which occurs with the use of products produced in accordance with prior art such as Scialla and Todini. This is due to the fact that the hypochlorite concentration of the present formulation(s) is/are reduced in comparison to that found in the prior art, which (prior art) products contain hypochlorite having 100% greater free chlorine concentration as well as a higher concentration of hydroxide and silicates than that used by applicant;

6) The use of the presently claimed formulations results in a significant reduction in the amount of waste material produced because the environment associated with such use does not contain any dangerous chemical residues following such use. This, concurrently provides environmental and ecological benefits to surrounding flora and fauna;

7) The product according to the present invention is also much less toxic to humans than products produced in accordance with such prior art references as Scialla and Todini, for the reasons indicated above;

8) The corrosive power of compositions produced according to the invention is reduced by 50% in comparison to that which occurs with the use of prior art products (see p. 13, lines 24-25 to p. 14, lines 1-4);

9) Due to its innate advantages over prior art products, several of which are noted above, the products prepared according to the present claims have a variety of additional uses not appropriate in the case of the prior art products, such as the disinfection of water, surfaces, etc.

Applicant thus submits that the comments above clearly demonstrate that the invention recited in the claims presently rejected under §103(a) is readily distinguishable over even the combined disclosure of the two cited references. The Examiner is thus respectfully requested to reconsider and withdraw the subject rejection under §103(a).

Still further, claims 2 and 3 are rejected under 35 U.S.C. §103(a) over Scialla or Todini as applied to the claims discussed above, in view of the ChemicalLand21.com product description. This ground of rejection is respectfully traversed.

Applicant notes that claims 2 and 3 both depend on claim 1 which, for the reasons above, is

deemed by applicant to be distinguishable over both Scialla and Todini, whether taken alone or even in combination. Furthermore, the 'secondary' reference (product description) does not provide the elements of the claimed invention missing from Scialla and Todini, and thus, even in combination with one or both of those references, would not render either claim 2 or claim 3 obvious to one of ordinary skill in this art at the time the invention was discovered.

The Examiner is thus respectfully requested to reconsider and withdraw the rejection of claims 2 and 3 under §103(a).

Summary

Applicant submits that the claim amendments and arguments presented above are believed to overcome all of the Examiner's grounds for objection and rejection. The Examiner is thus respectfully requested to reconsider and withdraw all of those objections and rejections and to permit the application to proceed to issuance.

If, however, the Examiner believes that an interview would be useful in resolving any remaining impediments to patentability, he is respectfully invited to telephone applicant's representative at the number provided below and such an interview will be arranged.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on: July 12, 2006

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Name of applicant, assignee or
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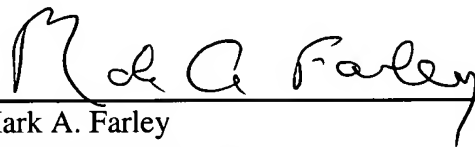


Signature

July 12, 2006

Date of Signature

Respectfully submitted,



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